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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,607	03/17/2004	James J. Callaway	P68614US1	4174

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EXAMINER

PHAM, LAM P

ART UNIT PAPER NUMBER

2636

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,607	CALLAWAY, JAMES J.	
	Examiner	Art Unit	
	Lam P. Pham	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/21/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 11 objected to because of the following informalities: "the **signed**" in line 9 should change to "the signal". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-5, 7 rejected under 35 U.S.C. 102(b) as being anticipated by **Halleck** et al. (US 6356203).

Regards claim 1, Halleck discloses a multi-functional patient detection system comprising:

a housing including a motion sensor (300) for automatically sensing movement of a patient's body and for generating a signal indicative of sensed movement (rollover or rotation) of the patient's body;

a wireless transmitter (340) for transmitting a coded identifying signal (alarm signal with unique ID code) when the signal indication of sensed movement of the patient's body is generated by the motion sensor; and

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a power supply (battery 380) for powering the motion sensor and the wireless transmitter, and

a receiving station (base station 830) for receiving the coded identifying signal from the wireless transmitter as seen in Figures 1-8; col. 6, lines 5-67; col. 7, lines 1-55; col. 10, lines 9-42.

Regards claim 2, Halleck disclose the receiving station includes a nursing station patient monitoring display (830) as seen in col. 10, lines 30-52.

Regards claim 3, Halleck disclose the display include patient identifying indicia for indicating a source of patient alarm signal as seen in col. 7, lines 24-34 and col. 10, lines 30-51.

Regards claim 4, Halleck disclose the patient identifying indicia include an indication of the nature (rollover or low battery) of generation of the coded identifying signal as seen in col. 7, lines 23-55; col. 10, lines 12-42.

Regards claim 5, Halleck disclose the coded identifying signal is indicative of impending patient movement (rollover or body rotation).

Regards claim 7, Halleck disclose the coded identifying signal is indicative of rolling over of a patient's body.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Halleck et al.

Regards claim 6, Halleck disclose the coded identifying signal is indicative of movement of a patient's body to an angle of ± 180 degree from the horizontal and fail to disclose the angle of 85-90 degree from horizontal. Since Halleck teach of different sensor arrangements for detecting a rollover to ± 180 degree from horizontal, the rollover encompassing a lying on a side position as seen in Figures 5-7; col. 9, lines 4-23, it would have been obvious to one of ordinary skilled in the art to recognize that to have an angle of 85-90 degree from horizontal would be achieved by simply configure the alarm to signal when a patient is on lying on his side.

6. Claims 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Halleck et al. in view of Ricks et al. (US 4784162).

Regards claim 8, Halleck fail to disclose a manually actuated call button is included in the housing and connected to the wireless transmitter for generating a second coded identifying signal different from the coded identifying signal indicative of patient movement, the second coded identifying signal is indicative of a need for patient comfort care.

Ricks in "portable, multi-channel, physiological data monitoring system" teach of a sensor unit (10) including a rotational position sensor (26) and a nurse call button (28) for sensing body rotation and signaling a nurse when comfort care is needed; the data from the rotation sensor is encoded and the nurse call signal is also encoded with

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unique identifying code for transmitting to a receiving station (44) as seen in Figures 1-2; col. 3, lines 10-68; col. 4, lines 1-66.

In view of Ricks teaching, it would have been obvious to one of ordinary skilled in the art to incorporate a manually actuated call button for generating a coded identifying signal indicative of a need for patient comfort care into the housing of Halleck.

Regards claim 9, Halleck disclose the receiving station includes one of nursing station patient monitoring display (830) as seen in col. 10, lines 30-52.

Regards claim 10, Halleck disclose the coded identifying signal is indicative of impending patient movement (rollover or body rotation).

7. Claims 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ricks et al. in view of Halleck et al.

Regards claim 11, Ricks disclose a patient alert system comprising:

a housing including:

a motion sensor (26) for automatically sensing when a patient's body is rotating from the horizontal and for generating a signal indicative of sensed movement of the patient's body,

a call button (28) for manual operation by a patient when comfort care is desired and for generating a signal when the call button is actuated,

a wireless transmitter (40) for transmitting a coded identifying signal when the signal generated by the motion sensor is received and when the signal generated by the call button is received, and

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a power supply (46) for powering the motion sensor, the call button and the wireless transmitter, and

a receiving station (44) for receiving the coded identifying signal from the wireless transmitter as seen in figures 1-7; col. 3, lines 10-68; col. 4, lines 1-68; col. 7, lines 1-68.

However, Ricks fail to disclose the motion sensor sensing when a patient's body is 85-90 degree from the horizontal.

Halleck teach of a body rotation sensor for sensing rotation of the body up to \pm 180 degree from the horizontal surface as seen in Figures 7a-b; col. 9, lines 4-28.

In view of Halleck teaching, it would have been obvious to one of ordinary skilled in the art to have a motion sensor configured to sense a body motion when the patient's body is 85-90 degree from the horizontal surface.

Regards claims 12, Ricks disclose the receiving station includes one of a nursing station patient monitoring display as seen in figure 1; col. 4, lines 10-16.

Regards claim 13, Halleck and Ricks disclose the nursing station patient monitoring display include patient identifying indicia as seen in col. 7, lines 24-34 and col. 10, lines 30-51.

Regards claim 14, Halleck disclose the patient identifying indicia include an indication of the nature (rollover or low battery) of generation of the coded identifying signal as seen in col. 7, lines 23-55; col. 10, lines 12-42.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kalman (US 3972320) discloses a patient monitoring system.

Beggs (US 6917293) discloses a patient sensing and monitoring system.

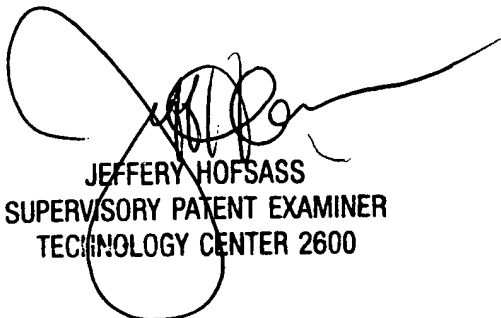
Reisman et al. (US 6853304) disclose a monitoring device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham


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